

EXHIBIT W



Archived: Friday, January 6, 2023 1:51:15 PM

From: [Hurt, Christian](#)

Mail received time: Tue, 6 Sep 2022 13:25:30

Sent: Tue, 6 Sep 2022 17:25:21

To: [Ong, Andrew](#); [TQDelta Listserv](#); TQD-MHM-TX@mcandrews-ip.com

Cc: [DG-CommScope-TQDelta](#); [Nokia309](#); [Eric Findlay](#); [Brian Craft](#)

Subject: Re: TQD v. Nokia / CommScope - Request to Meet-and-Confer on Invalidity Reports and Elections

Sensitivity: Normal

EXTERNAL SENDER – Proceed with caution

Counsel – Following up on this email. Please provide a time to meet-and-confer on the invalidity reports.

Christian

From: Christian Hurt <churt@davisfirm.com>

Date: Friday, September 2, 2022 at 4:24 PM

To: "Ong, Andrew" <AOng@goodwinlaw.com>, TQDelta Listserv <tqd@davisfirm.com>, "TQD-MHM-TX@mcandrews-ip.com" <TQD-MHM-TX@mcandrews-ip.com>

Cc: DG-CommScope-TQDelta <DG-ARRIS-TQDelta@goodwinlaw.com>, Nokia309 <Nokia309@alston.com>, Eric Findlay <efindlay@findlaycraft.com>, Brian Craft <bcraft@findlaycraft.com>

Subject: TQD v. Nokia / CommScope - Request to Meet-and-Confer on Invalidity Reports and Elections

Counsel –

We need to meet-and-confer on the invalidity reports and these elections. By my count, Defendants have alleged approximately 80 combinations, which is double what is allowed under the Court's Order. Defendants' elections also exceed the Court's Order of 20 (by my count, CommScope is at 26 references and Nokia is at 38 references), both in the original elections and in these purported amended elections. If Defendants continue to refuse to conform to the limits of the Court's Order in the reports and in their elections, and withdraw all remaining grounds, we will move to strike the invalidity reports for failure to comply with the Court's Order.

Please provide a time on Tuesday to meet-and-confer.

Given the timing of the rebuttal reports (and having to potentially address twice as many combinations as the Court), we would also request discuss a briefing schedule for the issue if it remains disputed.

In addition, Defendants appear to have some uncertainty about which claims are asserted in the expert reports. The infringement reports detail the allegations for each of the claims. For your convenience, and to get on the same page, below is a list of claims I put together from each of the infringement reports.

Nokia

- '686 Patent, Claim 36
- '601 Patent, Claim 8
- '014 Patent, Claim 1
- '882 Patent, Claim 9
- '5473 Patent, Claim 28

- '608 Patent, Claim 2
- '008 Patent, Claim 14
- '162 Patent, Claim 9
- '411 Patent, Claims 10 and 18
- '348 Patent, Claim 1
- '809 Patent, Claims 4 and 6
- '354 Patent, Claim 10

CommScope

- '686 Patent, Claim 36
- '881 Patent, Claims 17 and 23
- '882 Patent, Claim 13
- '048 Patent, Claim 5
- '008 Patent, Claim 14
- '835 Patent, Claim 10
- '411 Patent, Claims 10 and 18
- '809 Patent, Claim 13
- '354 Patent, Claim 10

Thanks,

Christian

From: "Ong, Andrew" <AOng@goodwinlaw.com>

Date: Friday, September 2, 2022 at 3:32 PM

To: TQDelta Listserv <tqd@davisfirm.com>, "TQD-MHM-TX@mcandrews-ip.com" <TQD-MHM-TX@mcandrews-ip.com>

Cc: DG-CommScope-TQDelta <DG-ARRIS-TQDelta@goodwinlaw.com>, Nokia309 <Nokia309@alston.com>, Eric Findlay <efindlay@findlaycraft.com>, Brian Craft <bcraft@findlaycraft.com>

Subject: RE: TQD v. CommScope - Election of Asserted Prior Art

Counsel,

In light of TQ Delta's expert reports, we understand that TQ Delta has dropped the '348, '055, and '988 patents against CommScope. Please let us know if that understanding is incorrect. CommScope revises its provisional "Final Election of Asserted Prior Art" as follows. CommScope reserves all rights to amend its elections based on the Court's ruling on the pending motion for further narrowing.

Thanks.

Andy

Family 1

- '686 patent
 - FI-071
 - FI-071 + G.992.1

Family 2

- '881 patent
 - Counterman

- Counterman + Djokovic

Family 3

- '048 patent
 - Mazzoni + G.993.1
 - Mazzoni + LB-031
 - Fadavi-Ardekani + G.993.1
- '882 patent
 - Mazzoni + G.993.1
 - Mazzoni + LB-031
 - Fadavi-Ardekani + G.993.1

Family 4

- '008 patent
 - Jones
 - T1.413-1998 + Stopler

Family 6

- '835 patent
 - G.992.1
 - G.992.1 + SC-060
 - SC-060
 - G.992.1 + Wunsch

Family 9

- '411 patent
 - G.992.1 + BI-089
- '055 patent
 - BI-089 + Fukushima
- '348 patent
 - BI-089
 - G.993.1 + BI-089
 - G.993.1 + Fukushima
- '809 patent
 - G.993.1 + BI-089
 - G.993.1 + Fukushima

Family 10

- '988 patent
 - Chow
 - TNETD8000 EVM User Guide
 - Peeters
 - Kapoor + Chow
- '354 patent
 - Chow
 - Kapoor + Chow

From: Ong, Andrew

Sent: Monday, August 29, 2022 9:18 PM

To: TQDelta Listserv <tqd@davisfirm.com>; TQD-MHM-TX@mcandrews-ip.com

Cc: DG-CommScope-TQDelta <DG-ARRIS-TQDelta@goodwinlaw.com>; Nokia309 <Nokia309@alston.com>; Eric Findlay <efindlay@findlaycraft.com>; Brian Craft <bcraft@findlaycraft.com>

Subject: TQD v. CommScope - Election of Asserted Prior Art

Counsel,

CommScope hereby provides its provisional final election of asserted prior art. To the extent the Court permits Defendants to assert additional prior art grounds in connection with Defendants' further motion to narrow the claims in this case, CommScope elects all grounds of prior art set forth in the submitted invalidity expert reports.

Family 1

- '686 patent
 - FI-071
 - FI-071 + G.992.1

Family 2

- '881 patent
 - Counterman
 - Counterman + Djokovic

Family 3

- '048 patent
 - Mazzoni + G.993.1
 - Mazzoni + LB-031
 - Fadavi-Ardekani + G.993.1
- '882 patent
 - Mazzoni + G.993.1
 - Mazzoni + LB-031
 - Fadavi-Ardekani + G.993.1

Family 4

- '008 patent
 - Jones
 - T1.413-1998 + Stopler

Family 6

- '835 patent
 - G.992.1
 - G.992.1 + SC-060

Family 9

- '411 patent
 - G.992.1 + BI-089
- '055 patent
 - BI-089 + Fukushima
- '348 patent
 - BI-089
 - G.993.1 + BI-089
 - G.993.1 + Fukushima
- '809 patent
 - G.993.1 + BI-089
 - G.993.1 + Fukushima

Family 10

- '988 patent
 - Chow
 - TNETD8000 EVM User Guide

- Peeters
- Kapoor + Chow
- '354 patent
 - Chow
 - Kapoor + Chow

Thanks.

Andy

Andrew Ong



Goodwin Procter LLP
601 Marshall Street
Redwood City, CA 94063
o +1 650 752 3153
f +1 650 471 6054
AOnq@goodwinlaw.com



This message was sent from Goodwin Procter LLP and is intended only for the designated recipient(s). It may contain confidential or proprietary information and may be subject to the attorney-client privilege or other confidentiality protections. If you are not a designated recipient, you may not review, copy or distribute this message. If you receive this in error, please notify the sender by reply e-mail and delete this message. Thank you.
